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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,635	01/26/2004	Siegmund Echerer	4100-337	9123
27799 7590 01/30/2008 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER OMGBA, ESSAMA	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,635

Applicant(s)

ECHERER ET AL.

Examiner

Essama Omgba

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 11-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the Office action of September 20, 2007 and withdrawal of the rejections therein is persuasive, therefore the rejections of the last Office action are hereby withdrawn and the finality of that action is also withdrawn. Rejections based on the newly discovered reference to Hipkind (US Patent 6,344,100) follow.

Claim Objections

2. Claims 24 and 25 are objected to because of the following informalities: in line 1 of each claim, "The folding apparatus" should read --The folding roll--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hipkind (US Patent 6,344,100).

Hipkind discloses a roll comprising a cylindrical surface to which to which a layer of frictional material has been applied by thermal spraying (col. 1, lines 11-19), the frictional area being bounded by areas on the cylindrical surface to which no friction

material has been applied (it is inherent that the thermal sprayed abrasion resistant coatings do not cover the whole surface of the roll otherwise "coatings" would have been in the singular form. See also col. 3, lines 37-44), the frictional area comprising a plurality of frictional area arranged in a regular pattern (spirally wound frictional strip, col. 3, lines 37-40), and wherein the frictional material contains tungsten carbide (col. 3, lines 5-6). Applicant should note that the roll disclosed by Hipkind could be used as a folding roll (see col. 2, lines 44-49).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Hipkind.

With regards to claims 1-3 and 12, Applicant, at page 1 of the specification to be known as AAPA, discloses a folding apparatus comprising a pair of folding rolls which cooperate to fold a sheet fed into an inlet gap between the rolls, each folding roll comprising at least one cylindrical surface having a frictional area to which a layer of frictional material has been applied by thermal spraying. Although AAPA does not disclose the frictional area being bounded by areas on the cylindrical surface to which no friction material has been applied, however it is known to produce rolls with textured

surfaces that are friction providing surfaces wherein thermal sprayed coatings are applied on the surface of the rolls to provide the friction surfaces, the frictional area being bounded by areas on the cylindrical surface to which no friction material has been applied as attested by Hipkind, see column 1, lines 11-20 (it is inherent that the thermal sprayed abrasion resistant coatings do not cover the whole surface of the roll otherwise "coatings" would have been in the singular form. See also col. 3, lines 37-44 of Hipkind), the frictional area comprising a plurality of frictional area arranged in a regular pattern (spirally wound frictional strip, col. 3, lines 37-40 of Hipkind), and wherein the frictional material contains tungsten carbide (col. 3, lines 5-6 of Hipkind). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have substituted the roll of AAPA by the one taught by Hipkind, in order to save on cost by using a cheaply produced roll, owing to the fact that the frictional coatings are only provided on parts of the roll's cylindrical surface.

Regarding claims 4, 5, 11 and 13-16, AAPA/Hipkind discloses a folding apparatus as shown above. Although AAPA/Hipkind does not give specific details as to whether the surface is rhombus-shaped, having a plurality of cylindrical surfaces or the particular depth of the friction material, however, Official notice is taken in that it was well known to a person of ordinary skill in the art at the time of the invention, to have provided rhombus-shaped and a plurality of cylindrically arranged surfaces because such features are well known in the roller art to provide a desired gripping or embossing surface. The particular depth of the friction material is an obvious matter of design choice to a person of ordinary skill in the art, depending upon the desired gripping or

embossing surface desired. In addition, Official notice is taken that the claimed depth of the friction material is well known in the art of roller surfacing.

7. Claims 20-22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hipkind.

Hipkind discloses a folding apparatus as shown above. Although Hipkind does not give specific details as to whether the surface is rhombus-shaped, having a plurality of cylindrical surfaces or the particular depth of the friction material, however, Official notice is taken in that it was well known to a person of ordinary skill in the art at the time of the invention, to have provided rhombus-shaped and a plurality of cylindrically arranged surfaces because such features are well known in the roller art to provide a desired gripping or embossing surface. The particular depth of the friction material is an obvious matter of design choice to a person of ordinary skill in the art, depending upon the desired gripping or embossing surface desired. In addition, Official notice is taken that the claimed depth of the friction material is well known in the art of roller surfacing.

Response to Arguments

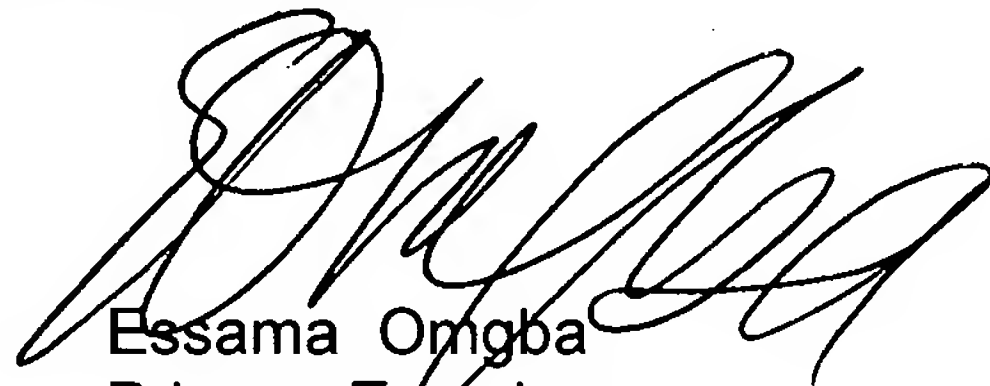
8. Applicant's arguments with respect to claims 1-5 and 11-25 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Essama Omgba
Primary Examiner
Art Unit 3726